

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TERESA FARIAS LATTER, NANCY ANN BOOK,
MARY LOUISE HARDZINSKI, JAMES THOMAS MACIEJEWSKI,
THOMAS JOSEPH McBAIN and JOHN WESLEY MOSS

Application No. 09/122,484

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 3, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Effective September 13, 2004, the rules under 37 CFR §§ 1.192 were abolished and replaced by 37 CFR §§ 41.37. On January 3, 2005, appellants filed an Appeal Brief under the new rules of 37 CFR § 41.37. In response to appellants' Brief, the examiner entered an Examiner's Answer on March 10, 2005. A review of the Examiner's Answer reveals that the Answer is not in compliance with the required headings under 37 CFR § 41.37(c). Namely, the Examiner's Answer does not contain the following required paragraphs: "Summary of Claimed Subject Matter,"

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"Grounds of Rejection to be Reviewed on Appeal," "Claims Appendix," "Evidence Relied Upon" and "Related Proceedings Appendix."

Accordingly, it is

ORDERED that the application is returned to the examiner to vacate the Examiner's Answer mailed on March 10, 2005, to submit a substitute Examiner's Answer in compliance with the new rules effective September 13, 2004, and for such further action as may be appropriate.

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